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Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)
4386.77661

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on 24 July 07
Signature
Typed or printed name Patrick G. Burns

Application Number	Filed
10/529,495	03/29/2005
First Named Inventor	
Akira Kuramori	
Art Unit	Examiner
3617	Stormer, Russell D.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)
- ☒ attorney or agent of record. 29,367
Registration number _____
- ☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

Signature
Patrick G. Burns
Typed or printed name
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Telephone number
July 24, 2007
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 1 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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4386.77661

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Akira Kuramori
Serial No.: 10/529,495
Conf. No.: 9156
Filed: 03/29/2005
For: TIRE/WHEEL ASSEMBLY
Art Unit: 3617
Examiner: Stormer, Russell D.

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Date

Registration No. 29,367
Attorney for Applicant(s)**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Claim 1, 9, 13 and 14 stand rejected under § 103 on the basis of Gerloff et al. in view of Peterson et al. Applicants previously traversed the rejection because Gerloff et al. do not disclose (or suggest) the microcapsules of independent claims 1 and 9, which is acknowledged by the examiner, and Peterson et al. is not analogous prior art. The examiner rejected that argument, apparently recognizing that Gerloff et al. and Peterson et al. are in different fields (Gerloff et al. describes a vehicle wheel with a run flat support, and Peterson et al. describes a snowmobile), but found that Peterson et al. solved a problem similar to the problem solved by the present invention. Applicants request review of this finding before the briefing process begins.

As previously argued, Peterson is not reasonably pertinent to the particular problem with which the inventor of the present invention was concerned. An object of the present invention is to provide a tire/wheel assembly having a run-flat durability further enhanced with microcapsules in a resin layer coating on a run-flat support. In particular, one object is to have a tire/wheel assembly having a run-flat support inserted into a cavity section of a pneumatic tire such that an inner peripheral surface of the pneumatic tire engages an outer peripheral surface of a run-flat body with reduced friction upon occurrence of a flat tire (see Applicants' specification paragraphs [0005] and [0007]). In the structure of the present invention, the inner surface of the pneumatic tire engages a run-flat body that is coated with a resin layer having microcapsules which burst when the tire is flat. Upon wear of the resin layer due to continued driving on the flat tire, the microcapsules release a lubricant, which reduces the wear of the resin layer and the inner surface of the tire. Accordingly, damage to the tire can be reduced (see Applicants' specification paragraphs [0008] and [0032]).

In contrast, Peterson is directed to a suspension and driving system for use on moving belts such as snowmobile tracks and conveyor belts. Peterson seeks to overcome the problem of mounting systems that use side rails, which support a drive track and maintain contact between the ground and the driving track. In particular, Peterson is concerned with operation of the driving track when the snowmobile is crossing dry spots in terrain. Under these conditions, cooling normally furnished by melted snow or ice is absent, and increased friction occurs due to heat buildup. Peterson is concerned with a side rail 18 that fits into an elongated strip 21. Peterson is silent regarding a tire/wheel assembly or run-flat support for a

pneumatic tire, or problems associated with a pneumatic tire when it becomes flat and is continued to be driven upon.

Since Peterson is not pertinent to the problems of the present invention or in Applicants' field of endeavor, Applicants respectfully request removal of Peterson as nonanalogous prior art. For all these reasons, withdrawal of the 35 U.S.C. §103(a) rejection of claims 1 and 9 is respectfully requested.

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

By 

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July 24, 2007

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